

REMARKS/ARGUMENTS

In view of the reopening of the application and the rejections now raised by the Examiner, Applicants put forth the following arguments. Claims 1-18 remain in the application. Reconsideration of this application is respectfully requested.

Claim Rejection - 35 U.S.C. § 103:

Claims 1-7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655). Claims 8, 10-14, 16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655) in view of Muller (US 6,433,375). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655) in view of Muller (US 6,433,375) and further in view of Raith (US 6,385,461).

Applicants respectfully traverse. None of the cited references taken individually or in combination teach or suggest that which is claimed by Applicants' invention.

Applicants respectfully point out that the claim language quoted by the Examiner on page 3 of the Office action dated 6/30/2005 is not accurate. Step (b) of independent claims 1 and 11 specifically recites: "gathering a communication *connection* statistic on the plurality of radios". The Examiner has previously conceded that Ishikawa does not disclose the communication statistic being related to a connection – see page 2 of Office Action dated 7/26/04. The Examiner further conceded on page 3 of Office Action 7/26/04 and again on page 3 of Office Action dated 6/30/05 that Ishikawa does not disclose reconfiguring the grouping of radios. The Examiner asserts, however, that reconfiguring the grouping of radios would be obvious since the distances in Ishikawa are based on reception level. Applicants counter with two main arguments. Firstly, if Ishikawa is applied to a static configuration where the mobile units do not move, basing grouping on distance has no net effect on grouping. Secondly, distance cannot be based on reception level alone. Each of these arguments is discussed in further detail as follows.

As to the first point, Ishikawa does not address the static situation where the distance between the mobile units and the base station does not change. In other words, if the mobile units do not move in Ishikawa, the distances will not vary and no reconfiguration will occur. Applicants' invention, on the other hand, allows for regrouping based on a communication connection statistic where the connection statistic can vary even in a static configuration of mobile units. In other words, the communication connection statistic may vary even if each of the plurality of radios does not move. Average channel usage, number of channel accesses per unit time, device priority, average on-time of the devices and peak usage periods can all vary even if each radio is stationary. Thus, reconfiguring the grouping of radios based on the communication connection statistic can occur even when the radios do not move. This reconfiguration is not possible with Ishikawa.

As to the second point, the Examiner referred to col. 16, lines 53-56 where Ishikawa states that the distance of the mobile station 12 from the base station 11 is estimated by measuring the reception level at the base station 11 of the radio wave transmitted from the mobile station 12. Applicants assert, however, that reception level alone is not sufficient to determine the distance of the mobile unit from the base station. In order to determine distance, other channel parameters that determine the propagation path loss, such as non line of sight transmission and small and large scale fading, are needed. Thus, distance or distance based only on reception level do not provide an obvious equivalent for a communication connection statistic that could be used to reconfigure the grouping of radios.

Accordingly, the rejection of independent claims 1 and 11 is overcome. Claims 2-10 and 12-18 provide further limitations to what are believed to be allowable claims and hence are also in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

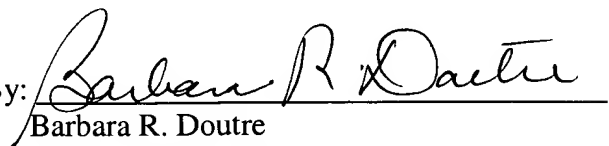
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

December 16, 2005

Motorola, Inc.
8000 West Sunrise Boulevard
Law Department – MD1610
Plantation, Florida 33322
Customer Number: 24273

By: 
Barbara R. Doutre
Attorney of Record
Reg. No.: 39,505
Tel: 954-723-6449
Fax: 954-723-3871
E-Mail: Barbara.Doutre@motorola.com